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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/601,712

Applicant(s)

AUSTIN, KENNETH

Examiner

Hung Q. Dang

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-32 and 36-47 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 4-32 and 36-47 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 27 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-893)
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 03/03/2009 have been fully considered but they are not persuasive.

On page 10, Applicant argues that the teachings in Yuen are essentially a table of contents that does not disclose the display information includes a content-related position indication comprising a visual content representation. In response, the Examiner respectfully disagrees.

First of all, the table of contents in Yuen, for example as shown in Fig. 44 and described in [0429] is a visual content representation because it is visually displayed and it shows the contents recorded.

Secondly, this information includes a content-related position indication because each of the programs shown is able to indicate a corresponding position that tells where the program of the contents is located using indexing as described in [0207]. Since the title information in Yuen can locate the program on the tape, the table of contents in Yuen corresponds to the display information including a content-related position indication comprising a visual content representation.

On page 11, Applicant argues that, "Takahashi is not a video storage media control system at all." In response, the Examiner respectfully disagrees. For example, in column 7, lines 31-33, Takahashi discloses a storage device storing motion images, from which a scene change detection unit reads the images and extracts the frame numbers of each frame at which the scene change occurs (see column 7, lines 45-51).

A scene editor then captures the image data of the frame given its frame number (see column 12, lines 39-43). The thumbnail images of the representative frames are then displayed on a monitor (Fig. 13; column 11, lines 5-10). Obviously the system disclosed by Takahashi is a video storage media control system since it controls how to represent the media stored in the video storage.

Also on page 11, Applicant argues that Takahashi does not disclose "the indicator is a content-related position indicator that comprises a portion of the source content" by stating that, "the cited portions of Takahashi teach that a frame number which is associated with a scene change is used as an indicator. A frame number is not related to the content of the storage medium. Instead, it is an indicator that is completely independent from the source content. In other words, a frame number bears no relationship to what is shown on a particular video frame."

In response, the Examiner respectfully disagrees. The indicator disclosed in Takahashi is either the representative images of the frames at which scene changes are detected and/or their corresponding frame numbers (which are used to extract the representative images). They are position indicators because they indicate where the corresponding scenes are located in the source content. As such, each scene is "a portion of the source content." Also they are content-related because they are scene-related. Being scene-related is content-related because scenes reflect changing flow of the contents.

On page 12, Applicant argues that, "the cited portions of Takahashi teach establishing an index based on frame numbers. Frame numbers are indicators, but they

are not based on the displayable video contents stored on the media. Rather, they are separately generated indicators that are completely independent of the video content. In other words, regardless of the video content, the frame numbers are the same, and therefore, are not based on the video contents.”

In response, the Examiner respectfully disagrees for the same reason as discussed above.

Also on page 12, Applicant argues that, “Takahashi fails to disclose utilizing video data content stored on the media as being the means for determining video media position. Also, Takahashi fails to teach applicant’s claimed arrangement in which the video media position is determined by establishing a match or relationship using video data content stored on the media.”

In response, the Examiner respectfully disagrees. First of all, Takahashi discloses using the video data content stored on the media to detect the points of scene changes and extract the corresponding frame information at the points of scene changes including corresponding frame number and representative images. As discussed above, these pieces of information indicate the positions where the corresponding scenes are located in the source content. Therefore, Takahashi clearly discloses the feature of “utilizing video data content stored on the media as being the means for determining video media position.” Secondly, Takahashi in column 12, lines 39-49, discloses comparing and matching the content-related value being the frame number with that of the image in the motion image storage and display unit then captures and sub-samples the image data of that frame to create the still images.

Therefore, in contrast with Applicant's arguments, Takahashi clearly discloses the feature of "the video media position is determined by establishing a match or relationship using video data content stored on the media."

On pages 12-13, Applicant argues, "there is simply no reason that a person of skill in the art would have sought to include supposed functionality disclosed by Takahashi that would assist in editing into Yuen et al. since Yuen et al. has nothing to do with the editing of the video content." In response, the Examiner respectfully disagrees. Takahashi disclose editing method that allows users to edit scenes in the contents. While the Examiner not necessarily agrees or disagrees with Applicant's contention that the editing methods disclosed by Yuen and Takahashi are "distinctly different," the scene editing method disclosed by Takahashi clearly gives users more tools in editing the contents and therefore provides advantages in any content editing process in general. Further, there is no reason that makes the editing method disclosed by Yuen fail if it incorporates the scene editing method disclosed by Takahashi to provide users more tools to edit the contents the way the users desire. As such, the rationale for the combination is absolutely not impermissible hindsight as argued by Applicant but well motivated as discussed above.

The rejections therefore stand as presented in details below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 43-46 are rejected under 35 U.S.C. 102(e) as being anticipated by
Yuen et al. (US 2003/0194200 A1).**

Regarding claim 43, Yuen et al. disclose a video storage media control system comprising: a graphical user interface adapted to display information relating to source content stored on a video storage medium ([0207]; [0208]; [0399]; [0401]; [0446]); the display information comprising an indicator related to the position of the source content on the video storage medium ([0446]; Fig. 48; Fig. 49), wherein said indicator of the display information is a content-related position indicator comprising a visual content representation of a portion of the source content stored on the video storage medium ([0207]; [0446]; Fig. 48; Fig. 49; [0523]; [0524]; [0539]; [0540]; [0541]; also see "Response to Arguments" above).

Regarding claim 44, Yuen et al. also disclose said visual representation are stored in memory, at least temporarily, to permit on screen display ([0207]; *RAM 33 disclosed in* [0176]; [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]).

Regarding claim 45, Yuen et al. also disclose the graphical user interface is adapted to display television program content information by category such as what is currently showing and/or what will be showing next and/or what is showing that day and/or what will be showing that week ([0207]; *RAM 33 disclosed in* [0176]; [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]).

Regarding claim 46, Yuen et al. also disclose the claimed to filter said television program content by category of user preference such as channel number or type of television program or other category ([0207]; *RAM 33 disclosed in* [0176]; [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]).

Claims 43-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al. (US Patent 5,537,528).

Regarding claim 43, Takahashi et al. disclose video storage media control system comprising: a graphical user interface adapted to display information relating to source content stored on the video storage medium (Fig. 15; Fig. 16; Fig. 17; Fig. 24; column 12, lines 39-49); the display information comprising an indicator related to the position of the source content on the video storage medium (Fig. 15; Fig. 16; Fig. 17; Fig. 24; column 12, lines 39-49; column 5, line 54 – column 6, line 12; column 7, lines 45-55; column 10, lines 39-40; also see “Response to Arguments” above), wherein said indicator of the display information is a content-related position indicator comprising a visual content representation of a portion of the source content stored on the video storage medium (Fig. 15; Fig. 16; Fig. 17; Fig. 24; column 12, lines 39-49; column 5, line 54 – column 6, line 12; column 7, lines 45-55; column 10, lines 39-40; also see “Response to Arguments” above).

Regarding claim 44, Yuen et al. also disclose said visual representation are stored in memory, at least temporarily, to permit on screen display (column 12, lines 39-49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-32, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al. (US 2003/0194200 A1) and Takahashi et al. (US Patent 5,537,528).

Regarding claim 1, Yuen et al discloses a video storage media control system (Fig. 1) comprising a control module operable to control a video media storage device with a video output terminal (*microprocessor controller 31 and VCR control logic 21 of Fig. 1; [0162]*), a position determining module for determining video media position ([0021]; [0028]; and [0245], *which define a directory, and the marker is formed on the tape to uniquely identify the position of a current directory; [0747]-[0750], wherein Yuen discloses details of the operations of Fig. 1&81 to show the analyzing function; [0341], [0344], [0397], [0647], wherein Yuen discloses where controller 31 uses a date-time stamp as the title in a directory, and timestamps are used to assign content-related value to the contents indicative of the position of the contents on the tape*); an identifying module for identifying contents of the video media and analyzing the contents so as to assign a content-related value to the video contents, the content-related value being indicative of the position of the video contents on the media ([0021]; [0028]; [0245]; [0257]; [0259]; [0260]); the determining module and the identifying module being

based on signals present on the video output terminal and the video media position being determined by establishing a match or relationship using the content-related value ([0257]; [0259]; [0260]).

However, Yuen et al. do not disclose an identifying module for identifying the displayable video contents of portions of the video media and analyzing the video contents so as to assign a content-related value representative of the displayable video contents, the content-related value being indicative of the position of the video contents on the media, wherein the control module controls the video storage media device by comparing signals on the video output terminal with the content-related value and matching the video output terminal signal with the content-related value.

Takahashi et al. disclose an identifying module for identifying displayable video contents of portions of the video media and analyzing the video contents so as to assign a content-related value representative of the displayable video contents (column 5, line 54 – column 6, line 12; column 7, lines 45-55; column 10, lines 39-40; also see “Response to Arguments” above), the content-related value being indicative of the position of the video contents on the media (column 5, line 54 – column 6, line 12; column 7, lines 45-55; column 10, lines 39-40; also see “Response to Arguments” above), wherein the control module controls the video storage media device by comparing signals on the video output terminal with the content-related value and matching the video output terminal signal with the content-related value (column 12, lines 39-44; also see “Response to Arguments” above).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the identifying module for identifying and analyzing the video contents and controlling the video storage media device based on comparison of signals disclosed by Takahashi et al. into the video storage media control system disclosed by Yuen et al. in order to facilitate the editing process (Takahashi et al., column 4, lines 33-47; also see "Response to Arguments" above).

Regarding claim 4, Yuen et al. also disclose a position locating module for automatically controlling the video media storage device transport functions to locate a desired position on the video media storage devices ([0207]).

Regarding claim 5, Yuen et al. also disclose the claimed that the video media storage device is a tape storage device ([0207]).

Regarding claim 6, Yuen et al. also disclose wherein the determining module is based on signals or data received from a tape reading means ([0255]; [0257]).

Regarding claim 7, Yuen et al. also disclose the claimed that control is instigated using an infrared control signal ([0248]).

Regarding claim 8, Yuen et al. also disclose an encoding module for encoding the data to be recorded on the tape at prescribed intervals ([0255]; [0257]).

Regarding claim 9, Yuen et al. also disclose the claimed that the data comprises one or more of time code, frame number, total frames and session name ([0202]).

Regarding claim 10, Yuen et al. also disclose the claimed wherein the data is recorded in selected vertical blanking intervals ([0255]; [0257]).

Regarding claim 11, Yuen et al. also disclose the claimed that the tape is automatically repositioned to a selected desired position utilizing characterization data determined for the tape storage device ([0207]).

Regarding claim 12, Yuen et al. also disclose the claimed reading onto the tape an index of material recorded on the tape which provide readable information identifying the nature of the recorded material and its position on the tape ([0255]; [0257]).

Regarding claim 13, Yuen et al. also disclose the claimed that multiple file indexes are recorded on the tape, one after each recording session ([0259]; [0264]).

Regarding claim 14, Yuen et al. also disclose the claimed that the successive file indexes are cumulative ([0259]; [0264]).

Regarding claim 15, Yuen et al. also disclose the claimed memory module external to the tape for holding the content of at least one file index (*RAM 33 disclosed in [0176]*).

Regarding claim 16, Yuen et al. also disclose wherein signals received from a reading module are the video output signals of a video recorder which represent contents of the video media, be it the visible content, audio content or closed caption data or other signals recorded on the video media, and any of said contents are used to generate a data sequence or data value from which tape position is determined by comparing said data sequence or data value with data sequences or a data value stored in memory ([0207]; [0259]; [0264]).

Regarding claim 17, Yuen et al. also disclose the claimed that the data sequence or data value for a plurality of video media are stored in memory (*RAM 33 disclosed in [0176]*).

Regarding claim 18, Yuen et al. also disclose the claimed that at least some &the data sequences of the data value stored in memory have appended thereto data which facilitates reproduction of the image of at least one frame of the sequence (*RAM 33 disclosed in [0176]*). Please note that [0176] describes the memory structure of the RAM 33, which, for example, includes [0178]. In [0178], Yuen et al. disclose area 1010 which stores a CDTL pointer 1019 pointing to a CDTL buffer 1024 which stores channel-date-time-length (CDTL) data of future recordings. The CDTL data facilitates reproduction of the programs or sequences, which sequences or programs are stored in tape 42).

Regarding claim 19, Yuen et al. also disclose the claimed that the memory contains stored images of a plurality of frames taken at intervals along the video media (*RAM 33 disclosed in [0176]*).

Regarding claim 20, Yuen et al. also disclose a command sending module for sending commands to the control module to instigate positioning of the video media at a desired position, and wherein the desired position is arrived at automatically by reading the video media to obtain position information by establishing a match or relationship between a data sequence or data value generated from contents of the media with data sequences or data vale stored in the memory for one or more video media, which data sequences or a data value incorporate related information and changing the position of

the video media until the desired position has been obtained ([0207]; *RAM 33 disclosed in [0176]*).

Regarding claim 21, Yuen et al. also disclose a command sending module for sending commands to the control module to instigate positioning of the video media at a desired position, which position is selected from an on screen display, which display comprises one or more screen images of the contents of the video media and wherein the desired position is arrived at automatically by reading the video media to obtain position information, directly or indirectly, and changing the position of the video media until the desired position has been obtained ([0207]; *RAM 33 disclosed in [0176]*; [0523]; [0524]).

Regarding claim 22, Yuen et al. also disclose the contents are stored in electronic memory or on video storage media, be it magnetic or optical, the index comprising a plurality of images corresponding to each of the contents of the video storage medium at different positions thereof and wherein the index is adapted to be read and displayed on a television screen, enabling the selection of one or more of a plurality of scenes of the recorded content ([0207]; *RAM 33 disclosed in [0176]*; [0523]; [0524]).

Regarding claim 23, Yuen et al. also disclose selection of the material to be recorded is selected from an electronic programming guide ([0423]; [0424]).

Regarding claim 24, Yuen et al. also disclose the contents of the video media are stored in memory in the form of one or more images taken at intervals and images

which are available for display on screen ([0207]; *RAM 33 disclosed in* [0176]; [0523]; [0524]).

Regarding claim 25, Yuen et al. also disclose each image has an associated sequence of images stored in memory which can be reviewed by a user command ([0207]; *RAM 33 disclosed in* [0176]; [0523]; [0524]).

Regarding claim 26, Yuen et al. also disclose the images comprise a sample of the contents of the video media at periodic intervals of the video medium ([0207]; *RAM 33 disclosed in* [0176]; [0523]; [0524]; [0255]; [0257]).

Regarding claim 27, Yuen et al. also disclose the contents of the memory tape include audio signals ([0163]).

Regarding claim 28, Yuen et al. also disclose the selection provisions allow a user to playback the video starting from the position of any one of the display images ([0207]; *RAM 33 disclosed in* [0176]; [0523]; [0524]).

Regarding claim 29, Yuen et al. also disclose the selection provisions allow the user to mark the displayed images for recording over ([0427]; [0428]).

Regarding claim 30, Yuen et al. also disclose (1) issuing the necessary commands to the video storage media device to enable it to play the associated media, ([0207]; *RAM 33 disclosed in* [0176], [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]) (2) reading the video media to determine the content and/or position thereof, ([0207]; *RAM 33 disclosed in* [0176], [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]) (3) using content and/or position related information to determine if sufficient room is available for recording the selections, ([0207]; *RAM 33 disclosed in* [0176],

[0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]) (4) using the necessary commands to cause said video storage media device to record material based on said selections at a designated position of the media based on calculations of the free space or space marked for overwriting and wherein the contents and/or position of the video media are determined from signals present on the video output terminal ([0207]; *RAM 33 disclosed in* [0176], [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]).

Regarding claim 31, Yuen et al. also disclose the contents and/or position related information is determined by reading data recorded on the tape ([0207]; *RAM 33 disclosed in* [0176], [0523]; [0524]).

Regarding claim 32, Yuen et al. also disclose the contents and/or position related information is determined by comparing or verifying a relationship between a sequence of data signals or a data value generated by reading the contents of the tape with a pre-stored sequence of data signals or data value ([0207]; *RAM 33 disclosed in* [0176]; [0523]; [0524]).

Regarding claim 40, Yuen et al. also disclose a graphical user interface adapted to display information relating to television program content and/or data content from other sources such as the Internet and video recorder or other media device content, wherein selections are made from said television program content and/or data content from other sources for recording onto video tape or other media whereby calculation of available free space on said video tape or other media is displayed and whereby if insufficient space is available for recording original selections may be modified and/or some or all of the video tape or other media contents may be selected for overwriting

([0207]; *RAM 33 disclosed in* [0176]; [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]).

Regarding claim 41, Yuen et al. also disclose the graphical user interface is adapted to display the status of items recorded on video tape or other media as to whether the recorded item has been viewed ([0207]; *RAM 33 disclosed in* [0176]; [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]).

Regarding claim 42, Yuen et al. also disclose the graphical user interface is adapted to display information relating to one or more video tapes or other media contents, wherein the contents of said video tape or other media is displayed either graphically or texturally according to the category of the recorded material, said category could be the type of recorded material or whether the item is suitable for a particular age of viewer or whether the items have been viewed or any other criteria ([0207]; *RAM 33 disclosed in* [0176]; [0427]; [0428]; [0523]; [0524]; [0539]; [0540]; [0541]; [0622]; [0623]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621